

Senate File 100 - Introduced

SENATE FILE 100

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A BILL FOR

1 An Act concerning the use of mobile telephones while driving,
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 39. *"Mobile telephone"* means mobile
4 telephone as defined in 49 C.F.R. §383.5.

5 Sec. 2. Section 321.210, subsection 2, paragraph e, Code
6 2017, is amended to read as follows:

7 e. Violations of ~~section~~ sections 321.276 and 321.276A.

8 Sec. 3. Section 321.276, subsection 1, paragraph a, Code
9 2017, is amended by striking the paragraph and inserting in
10 lieu thereof the following:

11 a. *"Fixed unit global positioning system or navigation*
12 *system"* means an electronic device that is mounted inside a
13 motor vehicle and is capable of providing navigation directions
14 to a driver based on data entered into the device.

15 Sec. 4. Section 321.276, subsection 2, paragraph a, Code
16 2017, is amended to read as follows:

17 a. A person does not violate this section by using a fixed
18 unit global positioning system or navigation system ~~or when,~~
19 ~~for the purpose of engaging in a call, the person selects~~
20 ~~or enters a telephone number or name in a hand-held mobile~~
21 ~~telephone or activates, deactivates, or initiates a function of~~
22 ~~a hand-held mobile telephone~~ to receive navigation directions,
23 provided that the person does not manually enter data into the
24 fixed unit global positioning system or navigation system while
25 operating the motor vehicle.

26 Sec. 5. NEW SECTION. 321.276A **Use of mobile telephone while**
27 **operating a motor vehicle.**

28 1. A person shall not operate a motor vehicle while using a
29 mobile telephone unless the mobile telephone is specifically
30 designed and configured to allow hands-free listening and
31 talking and is used in that manner while operating the vehicle.

32 2. This section does not apply to the following persons:

33 a. A member of a public safety agency, as defined in section
34 34.1, performing official duties.

35 b. A health care professional in the course of an emergency

1 situation.

2 *c.* A person receiving safety-related information including
3 emergency, traffic, or weather alerts.

4 *d.* The operator of a motor vehicle when the motor vehicle is
5 at a complete stop off the traveled portion of the roadway.

6 3. Nothing in this section shall be construed to authorize
7 a peace officer to confiscate a mobile telephone from the
8 operator or occupant of a motor vehicle.

9 4. *a.* A person convicted of a violation of this section
10 is guilty of a simple misdemeanor punishable as a scheduled
11 violation under section 805.8A, subsection 14, paragraph “*m*”.

12 *b.* A violation of this section shall not be considered a
13 moving violation for purposes of this chapter or rules adopted
14 pursuant to this chapter.

15 5. A person who is convicted of operating a motor vehicle
16 in violation of this section causing serious injury to or
17 the death of another person may be subject to the following
18 penalties in addition to the penalty provided for a scheduled
19 violation in section 805.8A or any other penalty provided by
20 law:

21 *a.* For a violation causing serious injury, a fine of two
22 thousand dollars and suspension of the violator’s driver’s
23 license or operating privileges for not more than one hundred
24 eighty days. For purposes of this subsection, “*serious injury*”
25 means the same as defined in section 702.18.

26 *b.* For a violation causing death, a fine of ten thousand
27 dollars and suspension of the violator’s driver’s license or
28 operating privileges for not more than two years.

29 Sec. 6. Section 321.555, subsection 2, Code 2017, is amended
30 to read as follows:

31 2. Six or more of any separate and distinct offenses within
32 a two-year period in the operation of a motor vehicle, which
33 are required to be reported to the department by section
34 321.491 or [chapter 321C](#), except equipment violations, parking
35 violations as defined in [section 321.210](#), violations of

1 registration laws, violations of [sections 321.445 and 321.446](#),
2 violations of ~~section~~ [sections 321.276 and 321.276A](#), operating
3 a vehicle with an expired license or permit, failure to appear,
4 weights and measures violations and speeding violations of less
5 than fifteen miles per hour over the legal speed limit.

6 Sec. 7. Section 805.8A, subsection 14, Code 2017, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *m. Mobile telephone violations.* For
9 violations under section 321.276A, the scheduled fine is one
10 hundred dollars.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill prohibits a person from operating a motor vehicle
15 while using a mobile telephone unless the mobile telephone
16 is specifically designed and configured to allow hands-free
17 listening and talking and is used in that manner. The bill
18 does not apply to the operator of a motor vehicle when the
19 motor vehicle is at a complete stop off the roadway. In
20 addition, the bill exempts the following persons from the
21 prohibition: a member of a public safety agency performing
22 official duties; a health care professional in the course of
23 an emergency situation; and a person receiving safety-related
24 information including emergency, traffic, or weather alerts.
25 These are the same exemptions that apply under current law for
26 text-messaging while driving.

27 The bill defines "mobile telephone" to mean the same
28 as defined in federal motor carrier safety administration
29 regulations. Under that definition, "mobile telephone" means
30 a mobile communication device that falls under or uses any
31 commercial mobile radio service, as defined in regulations of
32 the federal communications commission. The federal definition
33 explicitly excludes two-way or citizens band radio services.

34 The bill amends current provisions prohibiting
35 text-messaging while driving to specify that a person does not

1 violate the text-messaging provisions by using a fixed unit
2 global positioning system or navigation system, provided the
3 person does not enter data into the system while operating
4 the motor vehicle. "Fixed unit global positioning system or
5 navigation system" is defined as an electronic device mounted
6 inside a motor vehicle and capable of providing navigation
7 directions to a driver based on data entered into the device.
8 The bill also strikes a current exception to the prohibition
9 on text-messaging while driving which applies to a person
10 selecting or entering a telephone number or name in a hand-held
11 mobile telephone or activating, deactivating, or initiating a
12 function of a hand-held mobile telephone.

13 A person who uses a mobile telephone while operating a motor
14 vehicle in violation of the bill commits a simple misdemeanor
15 punishable by a scheduled fine of \$100. The offense is not
16 a moving violation, and therefore cannot be considered for
17 purposes of administrative suspension of a driver's license
18 or to establish habitual offender status. However, if the
19 violation causes a serious injury, a court could impose an
20 additional fine of \$2,000 and suspend the person's driver's
21 license for not more than 180 days. If the violation causes a
22 death, a court could impose an additional fine of \$10,000 and
23 suspend the person's driver's license for not more than two
24 years.

25 The bill does not authorize a peace officer to confiscate
26 a mobile telephone from an operator or occupant of a motor
27 vehicle. However, a peace officer may stop or detain an
28 operator solely for using a mobile telephone while operating a
29 motor vehicle.